

THE HONORABLE RICHARD A. JONES

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,

Plaintiff,

v.

BERNARD ROSS HANSEN and DIANE
RENEE ERDMANN,

Defendants.

No. CR18-092RAJ

ORDER ON DEFENDANTS'
MOTION TO PRECLUDE
GOVERNMENT FROM CALLING
BELATEDLY DISCLOSED
WITNESSES

THIS MATTER comes before the Court upon defendants' Motion to Preclude Government from Calling Belatedly Disclosed Witnesses (Dkt. # 307) and the files and pleadings herein. Through this motion, Defendants ask the Court to prohibit the government from calling several witnesses—Reed Thayer, Patty Williams, Jack Szczerban, and Dino Vasquez. Dkt. # 307 at 1-2. Defendants say that these witnesses were disclosed long after the Court's deadline for the parties to disclose their witness lists and should be excluded accordingly. *Id.* at 2-3.

On July 15, 2021, after hearing argument from the parties, the Court denied the motion as to Dino Vasquez and Patty Williams for the reasons stated therein. Dkt. # 319. The Court also denied the motion as moot as to Reed Thayer, whom the government no longer plans to call as a witness. Finally, as to Jack Szczerban, the Court took the motion

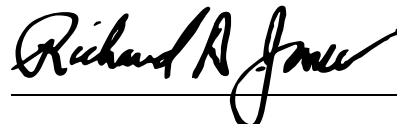
1 under advisement.

2 Now, having considered the defendants' written submission and the parties' oral
3 argument, the Court **DENIES** the motion as to Jack Szczerban. The Court finds that
4 permitting Mr. Szczerban to testify will not result in undue prejudice to defendants and
5 that there is good cause to permit the government to call Mr. Szczerban during its case in
6 chief.

7 To be sure, the Court notes defendants' concern. They worry that Mr. Szczerban's
8 testimony will be "substantive" given that "his 302 report (produced to the defense while
9 jury selection was under way) yields unique information that would not otherwise be
10 presented to the jury through previously disclosed government witnesses—namely, that
11 Northwest Territorial Mint was allegedly not an authorized dealer of products minted by
12 the U.S. Mint, and details about the U.S. Mint's production timelines for certain
13 products." Dkt. # 307 at 3. Defendants argue that the government's belated disclosure
14 "does not allow adequate time for [their] counsel to investigate these new factual
15 allegations." *Id.* In the interest of justice and to mitigate any prejudice to defendants, the
16 Court prohibits the government from calling Mr. Szczerban any sooner than **Wednesday,**
17 **July 21, 2021.** The Court finds that this will allow defendants' counsel sufficient time to
18 conduct the investigation they desire.

19 For the foregoing reasons, defendant's motion to exclude is **DENIED** as to Mr.
20 Szczerban.

21
22 DATED this 16th day of July, 2021.

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25 The Honorable Richard A. Jones
26 United States District Judge
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